

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MARK GOTTLEBER AND
ROSE GOTTLEBER,

Case No. 2:22-cv-12273

Plaintiffs,

HONORABLE STEPHEN J. MURPHY, III

v.

SAGINAW COUNTY,

Defendant.

_____ /

**ORDER REFERRING CASE TO MEDIATION AND
GRANTING NINETY-DAY EXTENSION OF THE SCHEDULING ORDER**

In a joint status report, the parties stated that they had “exchanged written discovery” and that “Defendant’s experts have completed their survey of the property” at issue in the case. ECF 12, PgID 100. But the parties explained that they anticipated the need for additional written discovery after they complete the “deposition of expert witnesses.” *Id.* The parties therefore requested a ninety-day extension of the scheduling order to complete the anticipated additional discovery and to “explore the possibility of settlement.” *Id.* at 101. And they last noted that they “are willing to participate in mediation.” *Id.*

Because the parties appear to be working toward a resolution and mutually anticipate the need for more discovery, the Court will grant the ninety-day extension. The discovery cutoff date is therefore extended until August 31, 2023. Dispositive motions are due no later than September 29, 2023. To facilitate settlement, and based on the parties’ “willing[ness] to participate in mediation,” the Court will refer the

parties to mediation with Mr. Patrick Seyferth.¹ The mediation must occur no later than July 28, 2023.

WHEREFORE it is hereby **ORDERED** that the request to extend the scheduling order dates by ninety days is **GRANTED**.

IT IS FURTHER ORDERED that the discovery cutoff date is **EXTENDED** until **August 31, 2023** and dispositive motions are **DUE no later than September 29, 2023**.

IT IS FURTHER ORDERED that the Court **REFERS** the remaining parties to Mr. Seyferth for mediation and settlement discussions and **ORDERS** the parties to proceed in compliance with Local Rule 16.4. The mediation and settlement discussions must occur no later than **July 28, 2023**. The parties must contact Mr. Seyferth and provide him with a copy of this order as soon as practicable and must **NOTIFY** the Court of the date of the mediation session once it is scheduled.

IT IS FURTHER ORDERED that Mr. Seyferth must **NOTIFY** the Court within seven days of completion of the mediation, stating only the “date of completion, who participated, whether settlement was reached, and whether further [alternative dispute resolution] proceedings are contemplated.” E.D. Mich. L.R. 16.4(e)(6). If a settlement is reached, the parties must **NOTIFY** the Court immediately upon completion of the mediation and must **SUBMIT** a proposed order of dismissal within

¹ Patrick Seyferth is a private attorney and founding member of the firm Bush Seyferth, PLLC. He can be reached at (248) 822-7802 and at Seyferth@bsplaw.com.

twenty-one days. *Id.* at 16.4(e)(7). If a settlement is not reached, the parties must **NOTIFY** the Court within seven days of the completion of the mediation.

SO ORDERED.

s/ Stephen J. Murphy, III
STEPHEN J. MURPHY, III
United States District Judge

Dated: June 6, 2023

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on June 6, 2023, by electronic and/or ordinary mail.

s/ Amanda Chubb
Case Manager